

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
2005 APR -1 PM 5:27 DALLAS DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS	
FILED	
APR	1 2005
CLERK, U.S. DISTRICT COURT	
By	<u>NT</u> Deputy

EGYPTIAN GODDESS, INC., et al. §

Plaintiff and Counter-Defendant, §

VS. §

SWISA, INC. and DROR SWISA, §
INDIVIDUALLY, §

Defendants, Counter-Plaintiffs and §
Third-Party Plaintiffs, §

VS. §

ADI TORKIYA, §

Third-Party Defendant. §

CIVIL ACTION NO. 3-03-CV-0594-N

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT


Defendants' Swisa, Inc. and Dror Swisa (collectively, "Swisa") hereby file Defendants' Motion for Summary Judgment.

The matters required by Local Rule 56.3 are set forth in Defendants' Memorandum of Law in Support of Their Motion for Summary Judgment.

WHEREFORE, Swisa requests that the Court grant summary judgment that:

- (a) The Swisa Buffer does not infringe the '389 Patent as a matter of law, and
- (b) The '389 Patent is invalid under 35 U.S.C. § 103 as obvious in light of prior art not before the Patent Office.
- (c) Such other and further relief as to which Swisa may be entitled.

Respectfully submitted,


Michael D. Napoli
State Bar No. 14803400
Linda G. Moore
State Bar No. 14359500
Frederick L. Medlin
State Bar No. 13895930

KIRKPATRICK & LOCKHART NICHOLSON
GRAHAM LLP
2828 North Harwood Street, Suite 1800
Dallas, Texas 75201
Telephone: (214) 939-4900
Facsimile: (214) 939-4949

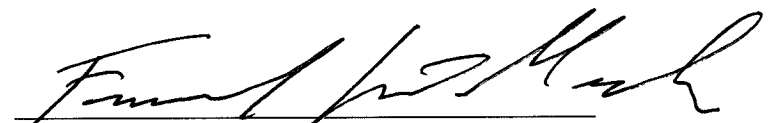
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Defendants' Motion for Summary Judgment was forwarded via certified mail, return receipt requested, on this 1st day of April, 2004, to Plaintiff's counsel as follows:

Robert G. Oake, Jr., Esq.,
Law Office of Robert G. Oake, Jr.,
101 W. McDermott, Suite 109,
Allen, Texas 75013

Rudolf O. Siegesmund
4627 N. Central Expressway, Ste. 2000
Dallas, Texas 75205-4017


Frederick Linton Medlin